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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Pakistan: the State is enacting more laws to restrain free speech

1. The Asian Legal Resource Centre (ALRC) would like to draw the attention of the UN Human Rights Council to the deteriorating state of freedom of expression and speech in Pakistan. In Pakistan, freedom of expression is a misnomer that exists only in name under Article 19 of the Pakistan Constitution, wherein this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media outlet.

2. Pakistan's civil government, just like the civil and military governments in the nation's past, actively suppresses political dissent. It exerts political and economic pressure on any media group that dares to defy the unofficial ban on speaking the truth, and it imposes a view that is, in fact, detrimental to state policies and economic interests. Journalists, activists, and human rights defenders are targeted for endorsing and airing any dissenting view. A media blackout on the problems of Baluchistan and on sectarian violence is especially evident. The freedoms of those professing religions other than mainstream Islam continue to be denied.

3. According to the freedom index released by Reporters without Borders, an advocacy group working for media freedom around the world, Pakistan is ranked 159 out of 180 countries. The International Federation of Journalists has cited Pakistan as being the most dangerous country for journalists in the world, with 14 journalists killed in 2014 alone.

4. Public discourse and free speech is officially banned. The State is enacting more laws to restrain free speech, such as The Prevention of Cyber Crime Act 2015, to add to the climate of suppression that has engulfed Pakistan with the ad hoc enforcement of black laws such as the Protection of Pakistan Act 2014 and the harsh blasphemy laws.

5. Freedom of expression is stifled in electronic and print media, especially in the vernacular press, which has deeper penetration among the masses. The government maintains a contemptuous stance on civil liberties, freedom of the press, and free speech. Freedom of expression as guaranteed under the Constitution has repeatedly been suppressed in the name of national security or the glory of Islam. Writing or speaking against the Military, particularly the ISI (Pakistan's intelligence wing) has been considered taboo and no media house dares to cross the line. Raza Rumi, Hamid Mir, and other outspoken journalists have been threatened or banished from the country while others have resorted to self-exile. Those who have the courage to speak against institutionalized terrorism in the name of national security are made examples of by the Military.

6. The State, in a move to curtail freedom of expression over the Internet, has recently pushed for the promulgation of a Bill titled "The Prevention of Cyber Crime Act 2015." The Bill contains three provisions that will allow the government to censor any content without referring to a judge, use overly broad criteria to criminalize many online activities, and gain access to Internet user data without any judicial control. Under Section 32 of the Bill, an authorized officer has the authority to seize data on his own without a court order. Moreover, Section 34 of the proposed law empowers the Pakistan Telecommunication Authority (PTA) to "manage intelligence and issue directions for removal or blocking the access of any intelligence through any information system." PTA can do this if it deems the information to be detrimental to "the interest of the glory of Islam or the integrity, security, or defense of Pakistan, or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, or commission of or incitement to an offence under this Act".

7. On 20 June 2014, Pakistan Electronic Media Regulatory Authority (PEMRA) suspended the licenses of private TV channels Geo Entertainment and ARY News for a period of 15 and 30 days respectively for "violations" of the code of conduct. The channels were subjected to a fine of Rs. 10 million each. The move came just hours before Geo News channel was set to return to the Pakistani airwaves on 21 June 2014, following a 15 day license suspension by PEMRA imposed on 6 June 2014. Geo News had alleged that the military-led ISI intelligence network was behind the attack on senior TV anchor Hamid Mir in Karachi.

8. The phenomenon of murders committed by "unknown assailants" is rampant in Pakistan due to impunity. It is a method in active use to silence dissent. In these circumstances, journalists in Pakistan work under dire conditions, putting their lives at risk every day. Many are labeled as extremists or terrorists. For a journalist, the choice is between

keeping quiet in the face of the evil witnessed and facing the great unknown of whether they will wake up the next morning. While Pakistan is dangerous as a whole, Baluchistan is now the most dangerous place for a journalist to engage in his or her profession. Journalists find reporting in and on the Baluchistan and the Khyber Pakhtunkhwa provinces especially problematic. They face the wrath of either the militants or the Military if they report in favor of one or the other. Media houses, for their part, often refuse to take any measures to ensure security and safety of their staff.

9. Apart from cracking down on print and electronic media, the State has recently also been targeting intellectual discourse at different universities where free speech is encouraged. On 9 April 2015, the State authorities and the ISI forced the administration of Lahore University of Management Sciences (LUMS) to cancel a presentation on Baluchistan titled "Un-silencing Baluchistan." This presentation was to feature Mama Qadeer, the Chairperson of Voice of Baloch Missing Persons (VBMP), Farzana Majeed, General Secretary VBMP, and I.A. Rehman, Director of Human Rights Commission of Pakistan (HRCP), among other distinguished speakers. Ordinary citizens and students of LUMS used social media to vent their disappointment. Many termed it a violation of freedom of expression and restraint on intellectual discourse by the State.

10. On 29 April 2015, an Assistant Professor in the Department of Mass Communication at Karachi University, Dr. Waheed Rehman, well known by his pen name "Yasir Rizvi" was shot dead. Four unidentified attackers on two motorcycles opened fire on his car. On 16 April 2015, the Vice-Principal of a medical college in Karachi, Ms. Debra Lobo, an America national, was shot and seriously injured. And, on 18 September 2014, a Muslim scholar Dr. Muhammad Shakil Auj, who had been accused of blasphemy in relation a speech delivered in the United States, was shot and killed in Karachi. He was the Dean of Islamic Studies at Karachi University. It is pertinent to note, the deceased, Dr. Waheed Rehman, completed his PhD under guidance of Professor Auj.

11. On 24 April 2015, Sabeen Mahmood, the Director of T2F, a popular gathering place for poets and intellectuals in Karachi, was shot dead by unidentified assailants. She was killed for hosting the lecture on Baluchistan at T2F that was previously cancelled at LUMS. Sabeen, shot five times, died on the way to the hospital, while her mother sustained critical injuries. Sabeen was very vocal about the problems of Baluchistan and had gone ahead with the event titled "Un-silencing Baluchistan Take 2", despite having received death threats. Though a number of journalists and outspoken activists had been targeted earlier, the intelligence agencies intended to send a clear message by killing Sabeen. They have sought to instill fear in the upper and middle-class citizens who have more recently become politically vocal for rights and equality. They have wanted this group to remain silent. The killing is thus a direct attack on freedom of expression.

12. Academics, journalists, human right defenders, and activists have been increasingly targeted for speaking out against fundamentalism and the militarization of Pakistan. Intellectuals continue being attacked in the face of calls for accountability by the civil society. This is creating discontent and upheaval in the population. Freedom of expression is a fundamental and a non-derogable right guaranteed to every citizen of Pakistan. That the civilian government is allowing military and intelligence agencies to infringe upon this right is a violation in itself. That it is allowing them to continue murdering civilians in broad daylight for speaking freely exposes the real state of Pakistan.

13. In light of these realities, the Asian Legal Resource Center recommends:

a) The UN urges the Pakistan State to respects the right of every citizen to enjoy freedom of expression without impediment and without using "reasonable restriction" to suppress inalienable rights;

b) The UN urges the State to review laws that discourage and disallow freedom of expression, especially in terms of print, online, and social media, so that citizens can enjoy the freedom to air their thoughts without fear of recrimination;

c) The UN asks the State to disallow intelligence agencies from interfering with intellectual discourse in universities, which is central to the basic functioning of academic institutions.